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**MAR 23 2005**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/679,963  
Applicants : Gene Mason et al.  
Filed : October 6, 2003  
TC/A.U. : 3736  
Examiner : Matthew J. Kremer

Title : **OPTICAL PROBE  
INCLUDING  
PREDETERMINED  
EMISSION WAVELENGTH  
BASED ON PATIENT TYPE**

Docket No. : MASIMO.353A  
Cust. No. : 20,995

Confirmation No. : 3580

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March 23, 2005

(Date)

John M. Grover, Reg. No. 42,610

**Box AF**

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION  
DATED DECEMBER 23, 2004**

Sir:

In response to the Office action of December 23, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 5 of this paper.

*Do Not Enter  
Amendment  
myk  
3/29/2005*